

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**DELEANMUS M. BRADLEY and
ENISHIA BRADLEY,** : **CIVIL ACTION NO. 1:10-CV-2299**
Plaintiffs :
:

v. :

**FAMILY DOLLAR, INC., JENNY
GOODIN, ROBERT, RASHEEDA
BAILEY and JESSICA MERCADO,** :
Defendants :

**DELEANMUS M. BRADLEY and
ENISHIA BRADLEY,** : **CIVIL ACTION NO. 1:10-CV-2300**
Plaintiffs :
:

v. :

**FAMILY DOLLAR, INC., JENNY
GOODIN, ROBERT, RASHEEDA
BAILEY and JESSICA MERCADO,** :
Defendants :

ORDER

AND NOW, this 10th day of January, 2011, upon consideration of the Report and Recommendations (Docs. 5) of the Honorable Thomas M. Blewitt, United States Magistrate Judge, recommending that plaintiffs' motions to proceed *in forma pauperis* (Docs. 2) be granted solely for the purpose of filing these actions, that, pursuant to Rule 42(a), Civil Action Number 1:10-CV-2300 be consolidated into Civil Action No. 1:10-CV-2299, that Civil Action No. 1:10-CV-2299 be dismissed with prejudice as against all defendants with respect to plaintiffs' constitutional claims under § 1983 for failure to state a claim against defendants, and further recommending that any discrimination

claims under Title II be dismissed with prejudice, and recommending that the court decline to exercise supplemental jurisdiction over plaintiffs' state law claims because the federal claims fail to state any cognizable right to relief and should be dismissed with prejudice and, following an independent review of the record, noting that plaintiffs filed objections¹ to the Report in Civil Action No. 1:10-CV-2299 on December 9, 2010 (Doc. 6), and the court finding Judge Blewitt's analysis to be thorough and well-reasoned, and the court finding plaintiffs' objections to be without merit and squarely addressed by Judge Blewitt's report, it is hereby ORDERED that:

1. The Report and Recommendations of Magistrate Judge Blewitt (Docs. 5) are ADOPTED in their entirety.
2. Plaintiffs' motions to proceed *in forma pauperis* (Docs. 2) are granted solely for the purpose of filing these actions.
3. The Clerk of Court is instructed to CONSOLIDATE the case docketed as Civil Action No. 1:10-CV-2300 into the case docketed as Civil Action No. 1:10-CV-2299 and to CLOSE the case docketed as Civil Action No. 1:10-CV-2300.
4. Civil Action No. 1:10-CV-2299 is DISMISSED with prejudice as against all defendants with respect to plaintiffs' constitutional claims under § 1983 for failure to state a claim against defendants.

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). “In this regard, Local Rule of Court 72.3 requires ‘written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.’” Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

5. To the extent plaintiffs are deemed as raising discrimination claims under Title II, the claims are DISMISSED with prejudice.
6. The court declines to exercise supplemental jurisdiction over plaintiffs' state law claims because the federal claims fail to state any cognizable right to relief and are DISMISSED with prejudice.
7. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge